

REMARKS

Status of the Claims

Claims 1-6 and 8-13 were previously amended and presented for examination in the amendment received by the Patent Office February 28, 2006. Claims 1-6 and 8-13 remain pending in the present application and have been rejected under 35 U.S.C. § 102(e) per U.S. patent number 5,696,486 to *Poliquin*. No amendments are made in the present submission.

Rejection of Independent Claim 1 Under 35 U.S.C. § 102(e)

The Examiner has rejected claim 1 under 35 U.S.C. § 102(e) per *Poliquin*. See *Office Action*, 3. The Applicants respectfully reverse the Examiner's rejection in that *Poliquin* fails to disclose each and every limitation as is discussed in detail below.

Presently pending claim 1 reads as follows:

A policy enforcement system for enforcing policies, the policies defining what actions of a first type that first entities as defined in a computer system may perform on second entities as defined in the computer system, the policy enforcement system comprising:

- a policy server, the policy server comprising a policy database of the policies and extensibly configured to include policies for actions belonging to an additional type thereof, a policy including any action that a user may perform on an information resource; and

- a policy enforcer, the policy enforcer configured to:

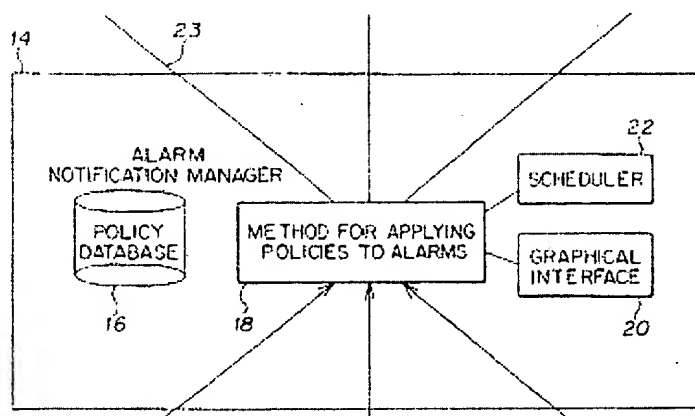
- control performance of the first type of action;

- communicate a request to perform an action of the first type to the policy server; and

- permit performance of the action only if a response from the policy server indicates that the policies permit the action, and the policy enforcer being extensibly configured to comprise an additional policy enforcer, which controls performance of actions of the additional type.

The Examiner asserts *Poliquin* to disclose the presently claimed “policy enforcement system” including a “policy server comprising a policy database of policies.” *Office Action*, 2-3. In support of this assertion, the Examiner first references FIGURE 2 of *Poliquin*. The Applicants respectfully disagree with this interpretation of *Poliquin* and thus the Examiner’s rejection of claim 1 of the present application.

FIGURE 2 of *Poliquin*, reproduced below, is for an “alarm notification manager.” *Poliquin*, col. 4, l. 54-55. While FIGURE 2 does illustrates what is labeled as a ‘policy database 16,’ a closer reading of the *Poliquin* reference reveals that this database is not equivalent to the aforementioned ‘policy enforcement system,’ ‘policy server,’ and ‘policy database’ as specifically claimed by the Applicants. *Poliquin*—as referenced by the Examiner—notes that “alarm notification manager 14 . . . includes a policy database 16” and a “method for applying policies to alarms 18.” *Poliquin*, col. 5, l. 44-46. “The manager applies policy-based filters to the alarm messages received from the servers, and for those alarms which pass the filter criteria, an alarm message is sent to the appropriate network management application.” *Poliquin*, col. 5, l. 47-50.



A careful reading of *Poliquin* notes that the aforementioned policies from policy database 16 are “[a] set of criteria which a given alarm must satisfy to be passed to the application with which the policy is associated.” *Poliquin*, col. 7, l. 24-26. Filters in *Poliquin*, as referenced in the context of applying policy-based filters to incoming alarm messages and as discussed in col. 5, l. 47-50, concern a set of “parameters and associated

filter values.” *Poliquin*, col. 7, l. 26-27. *Poliquin* provides a number of representative filter parameters such as model name, type, device location, alarm age, alarm severity and the like. See *Poliquin*, col. 7, l. 41-52. *Poliquin* further notes that “a user . . . specifies the value(s) that each filter parameter can take in order for a given alarm to pass the filter criteria.” *Poliquin*, col. 7, l. 38-40.

For example, if an alarm is of a particular severity as indicated by a value, then that alarm is passed on to an appropriate application. Similarly, if the alarm is from a particular location as indicated by its value, then that alarm is passed on to its appropriate application. In this way, *Poliquin* identifies alarms from various nodes in a network but only passes those alarms onto an appropriate application if the alarm meets some predetermined criteria (e.g., a certain level of severity). In this way, the system of *Poliquin* does not indiscriminately pass each and every alarm notification onto a responsive application such that the applications become overloaded or a user of the system becomes overwhelmed with unimportant alarms.

This parsing of alarm notifications in *Poliquin* is wholly different than certain embodiments of the present invention. For example, some embodiments of the present invention provide “[a] scalable access filter that is used together with others like it in a virtual private network to control access by users at clients in the network to information resources provided by servers in the network.” *Specification*, Abstract. While the Applicants appreciate that it is the *claims* that are applied against the purported prior art, the Applicants note that this context is illustrative with respect to the fact that *Poliquin* is unrelated much less anticipatory of the presently claimed invention. For example, there is no discussion or disclosure in *Poliquin* of ‘the policies defining what actions of a first type that first entities as defined in a computer system may perform on second entities as defined in the computer system’ as found in the preamble of claim 1.

While the Federal Circuit noted in *Catalina Mktg. Int’l v. Coolsavings.com, Inc.*, that the determination of whether a preamble limits a claim is a case-by-case determination, the Federal Circuit has previously stated that *any* terminology in the preamble that

limits the structure of the claimed invention *must be treated as a claim limitation*. 289 F.3d 801, 808 (Fed. Cir. 2002); *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257 (Fed. Cir. 1989). *Poliquin* as cited by the Examiner fails to make any reference to ‘actions of a first type that first entities . . . may perform on second entities’ as is recited in the preamble of claim 1. Absent such a showing, the Applicants contend that *Poliquin* fails to disclose each and every element as set forth in the claim and the 35 U.S.C. § 102(e) rejection is, therefore, overcome. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Poliquin also fails to discuss or disclose the policy database being ‘extensively configured to include policies for actions belonging to an additional type thereof, a policy including any action that a user may perform on an information resource’ as is found in the first element of claim 1. The Examiner appears to have identified nothing more than a policy database via *Poliquin* and the application of policy filters to allow for the passage of alarm notifications to other nodes in a network rather than ‘actions that a user may perform on an information resource.’ As *Poliquin* fails to disclose each and every limitation of the presently claimed invention, the Applicants again believe the Examiner’s rejection of claim 1 to have been overcome. See *Verdegaal Bros.*, 814 F.2d at 631 (Fed. Cir. 1987).

The Examiner also refers to *Poliquin* with respect to the Applicants’ claimed element of a ‘policy enforcer,’ which is configured to ‘control performance of the first type of action’; ‘communicate a request to perform an action of the first type to the policy server’; and ‘permit performance of the action only if a response from the policy server indicates that the policies permit the action.’ The policy enforcer, as claimed, is also ‘extensively configured to comprise an additional policy enforcer, which controls performance of actions of the additional type.’ These elements as a collective whole are not disclosed in *Poliquin* as cited by the Examiner.

Notwithstanding the extensive discussion of types of alarm notifications in *Poliquin* (col. 7, l. 30-col. 9, l. 45), there is no discussion of a ‘first type of action’ and ‘communicating a request to perform an action of the first type to the policy server.’ As

discussed in detail, above, a series of alarm notifications are received, those alarm notifications being filtered and, subject to meeting some criteria of the filter, are passed on to an application. But there are no 'actions' nor 'requests to perform that action' but merely notifications of some alarm generating event in a network.

With respect to column 9, line 21 through column 11, line 65 of *Poliquin* and its discussion of a policy window, this merely discusses creating new policies and not, necessarily, the extensible addition of 'additional policy enforcers.' See *Poliquin*, col. 9, l. 21. This discussion of creating new filter policies also continues to fail to disclose a 'first type of action' and 'communicating a request to perform an action of the first type to the policy server' as is recited in the Applicants' presently pending claim 1. Absent evidence of each and every limitation of the Applicants' presently claimed invention, the Examiner's 35 U.S.C. § 102(e) rejection is overcome. See *Verdegaal Bros.*, 814 F.2d at 631 (Fed. Cir. 1987).

Rejection of Dependent Claims 2-6 and 13 Under 35 U.S.C. § 102(e)

Dependent claims 2-6 and 13 all depend from claim 1 either directly or via an intermediate dependent claim. As a dependent claim incorporates by reference each and every limitation of the claim from which it depends, the Applicants contend claims 2-6 and 13 are allowable for at least the same reasons as claim 1. See 35 U.S.C. § 112, ¶ 4.

Rejection of Independent Claims 8 and 10 Under 35 U.S.C. § 102(e)

The Examiner states that claims 8 and 10 "contain the similar limitation sets forth in claim 1. Therefore claims 8, 10 are rejected for the same rationale set forth in claim 1." *Office Action*, 3. As the Applicants believe claim 1 to be allowable over *Poliquin*, and in light of the Examiner's present rejection, the Applicants contend claims 8 and 10 to be allowable for the same rationale as set forth in claim 1.

Rejection of Dependent Claims 9 and 11-12 Under 35 U.S.C. § 102(e)

Claim 9 and claims 11-12 depend upon independent claims 8 and 10, respectively. As a dependent claim incorporates by reference each and every limitation of the claim from which it depends, the Applicants contend claim 9 and claims 11-12 are allowable for at least the same reasons as claims 8 and 10, respectively. See 35 U.S.C. § 112, ¶ 4.

CONCLUSION

The Applicants have evidenced *Poliquin's* failure to disclose each and every limitation of the presently claimed invention, specifically: (1) policies defining what actions of a first type that first entities as defined in a computer system may perform on second entities as defined in the computer system; (2) a policy database being extensibly configured to include policies for actions belonging to an additional type thereof, a policy including any action that a user may perform on an information resource; (3) a policy enforcer configured to control performance of the first type of action, communicate a request to perform an action of the first type to the policy server, and permit performance of the action only if a response from the policy server indicates that the policies permit the action; and (4) the policy enforcer being extensibly configured to comprise an additional policy enforcer, which controls performance of actions of the additional type. As such, the Examiner's 35 U.S.C. § 102(e) rejection is overcome. The dependent claims of the present application are allowable for at least the same reasons.

The Applicants note that no amendments are made to the present application. As such, the Applicant does not believe a final office action to be warranted, especially one resulting from an amendment to the claims as no such amendments are presented. Furthermore, as all of the Examiner's rejections have been overcome, the Applicants respectfully request the passage of the present application to allowance.

Respectfully submitted,
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